

EXHIBIT 41

NO: UWY-CV18-6046437 S	:	SUPERIOR COURT
SHERLACH, WILLIAM	:	JUDICIAL DISTRICT
	:	OF FAIRFIELD
v.	:	AT BRIDGEPORT, CONNECTICUT
JONES, ALEX, ET AL.	:	JUNE 18, 2019

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LAFFERTY, ERICA, ET AL.	:	JUDICIAL DISTRICT
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BEFORE THE HONORABLE BARBARA N. BELLIS, JUDGE
E X C E R P T

A P P E A R A N C E S :

Representing the Plaintiffs:

ATTORNEY CHRISTOPHER MATTEI
ATTORNEY WILLIAM BLOSS
ATTORNEY JOSHUA KOSKOFF
ATTORNEY MATTHEW BLUMENTHAL
Koskoff, Koskoff & Bieder, PC
350 Fairfield Avenue
Bridgeport, CT 06604

Representing the Defendants Alex Jones; Infowars, LLC; Free Speech Systems, LLC; Infowars Health, LLC; and Prison Planet TV, LLC:

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ATTORNEY NORMAN PATTIS
Pattis & Smith, LLC
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Representing the Defendant Cory Sklanka:

ATTORNEY KRISTAN JAKIELA
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Representing the Defendant Midas Resources, Inc.:

ATTORNEY STEPHEN BROWN
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Colleen Birney
Court Recording Monitor
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1 (EXCERPT)

2 THE COURT: All right. So I'm going to start
3 with the discovery issues.

4 Putting aside the fact that the documents the
5 Jones defendants did produce contained child
6 pornography, putting aside the fact that the Jones
7 defendants filed with the Court a purported affidavit
8 from Alex Jones that was not in fact signed by Alex
9 Jones, the discovery in this case has been marked
10 with obfuscation and delay on the part of the
11 defendants, who, despite several Court-ordered
12 deadlines as recently as yesterday, they continue in
13 their filings to object to having to, what they call
14 affirmatively gather and produce documents which
15 might help the plaintiffs make their case. Despite
16 over approximately a dozen discovery status
17 conferences and several Court-ordered discovery
18 deadlines, the Jones defendants have still not fully
19 and fairly complied with their discovery obligations.

20 By way of one example, on June 10th, counsel for
21 the Jones defendants stated in their filing that Alex
22 Jones' cellphone had only been searched for emails,
23 not for text messages or other data. In their June
24 17 filing, defendants still try to argue with respect
25 to the text messages that there is little to no
26 personal nexus between the text messages and the
27 litigation, and that the plaintiffs are simply prying

1 into the Alex Jones defendants' personal affairs.
2 But the discovery objections were ruled on by the
3 Court months ago and the defendants still have not
4 fully and fairly complied.

5 Also, as another example, the Google Analytics
6 data was ordered to be produced. And this is a
7 Google Analytics account that had to be created and
8 set up by and utilized, according to the testimony,
9 by some of the Jones defendants. Only a 35-page
10 report was produced. In their June 17 filing, the
11 Jones defendants apparently say that they don't
12 possess the data themselves and they should not have
13 to get it from Google because Google holds Alex Jones
14 in contempt. And anything that Google generated
15 would be, and I quote, inherently unreliable,
16 unquote. And again, the Jones defendants miss the
17 mark. They were ordered to produce that data.

18 Our rules of practice require a party to produce
19 materials and information, quote, within their
20 knowledge, possession, or power; and it is clearly
21 within the power of the Jones defendants to obtain
22 the information from Google if, as they claim, they
23 don't possess it themselves. So their objection is
24 too late and their failure to fully and fairly comply
25 is inexcusable.

26 So in short, we've held approximately a dozen
27 discovery status conferences. The Court's entered

1 discovery deadlines, extended discovery deadlines,
2 and discovery deadlines have been disregarded by the
3 Jones defendants, who continue to object to their
4 discovery and failed to produce that which is within
5 their knowledge, possession, or power to obtain. And
6 again, among the documents that they did produce
7 contained images of child pornography.

8 I also note that the Jones defendants have been
9 on notice from this Court both on the record and in
10 writing in written orders that the Court would
11 consider denying them their opportunity to pursue a
12 special motion to dismiss if the continued
13 noncompliance continued.

14 Now with respect to the plaintiffs' request for
15 immediate review and the Jones defendants' objections
16 thereto, as I've said, I've reviewed the -- both
17 broadcasts several times. The law is clear in
18 Connecticut and elsewhere, for that matter, that the
19 Court has authority to address out-of-court bad-faith
20 litigation misconduct where there is a claim that a
21 party harassed or threatened or sought to intimidate
22 counsel on the other side. And indeed, the Court has
23 the obligation to ensure the integrity of the
24 judicial process and functioning of the Court.

25 So if Mr. Jones truly believed that Attorney
26 Mattei or anyone else in the Koskoff firm planted
27 child pornography trying to frame him, the proper

1 course of action would be to contact the authorities
2 and/or to have your attorney file the appropriate
3 motions in the existing case. Just by way as an
4 example, the Jones defendants here could have filed a
5 motion asking that the lawsuits be dismissed for that
6 reason.

7 What is not appropriate, what is indefensible,
8 unconscionable, despicable, and possibly criminal
9 behavior is to accuse opposing counsel, through a
10 broadcast, no less, of planting child pornography,
11 which is a serious felony. And to continue with the
12 accusations in a tirade or rant for approximately 20
13 minutes or so.

14 Now, because I want to make a good record for
15 appeal, I'm going to refer to certain portions of the
16 transcript of the website. And I would note that Mr.
17 Jones refers to Attorney Mattei as a Democratic-
18 appointed US attorney, holds up on the camera
19 Attorney Mattei's Wikipedia page which indicates that
20 he is a Democrat, and puts the camera on the website
21 page, which looks like it's from the law firm.

22 Alex Jones states: what a nice group of
23 Democrats. How surprising, what nice people. Chris
24 Mattei, Chris Mattei. Let's zoom in on Chris Mattei.

25 Oh, nice, little Chris Mattei. What a good
26 American. What a good boy. You'll think you'll put
27 me on.

1 Now, the transcript doesn't reflect this, but
2 when I listened to the broadcast, I heard, I'm going
3 to kill. Now, that's not in the transcript, but that
4 is my read and understanding and what I heard in the
5 broadcast.

6 He continues to say: anyways, I'm done. Total
7 war. You want it, you got it. I'm not into kids
8 like your Democratic Party, you cocksuckers, so get
9 ready.

10 And during this particular tirade, he slammed
11 his hand on Attorney Mattei's picture, which was on
12 the camera at that point.

13 He continues on shortly thereafter: the point
14 is, I'm not putting up with these guys anymore, man,
15 and their behavior because I'm not an idiot. They
16 literally went right in there and found this hidden
17 stuff. Oh, my god, oh, my god, and they're my
18 friends. We want to protect you now, Alex. Oh,
19 you're not going to get into trouble for what we
20 found. F you, man, F you to hell. I pray God, not
21 anybody else, God visit vengeance upon you in the
22 name of Jesus Christ and all the saints. I pray for
23 divine intervention against the powers of Satan.

24 I literally would never have sex with children.

25 I don't like having sex with children. I would
26 never have sex with children. I am not a Democrat.
27 I am not a Liberal. I do not cut children's genitals

1 off like the left does.

2 Further on, referring to the person who sent the
3 child porn, he says: I wonder who the person of
4 interest is. Continues to say: oh, no. Attorney
5 Pattis says: look, are you showing Chris Mattei's
6 photograph on here; and the record should reflect
7 that when Alex Jones said I wonder who the person of
8 interest is, Attorney Mattei's photo was on the
9 camera. Again, referring to who planted the child
10 pornography. Then Alex Jones says: oh, no, that was
11 an accidental cut. He's a nice Obama boy. He's a
12 good -- then Attorney Pattis cuts him off. Attorney
13 -- Alex Jones goes on to say: he's a white Jew-boy
14 that thinks he owns America.

15 Later on in the broadcast, Alex Jones says,
16 quote, the bounty is out, bitches. And you know your
17 feds, they're going to know you did it. They're
18 going to get your ass you little dirt bag. One
19 million, bitch, it's out on your ass.

20 Shortly thereafter, he says: a million dollars
21 is after them. So I bet you'll sleep real good
22 tonight, little jerk, because your own buddies are
23 going to turn you in and you're going to go to
24 prison, you little white Jew-boy jerk-off son of a
25 bitch. I mean, I can't handle them. They want more,
26 they're going to get more. I am sick of these
27 people, a bunch of chicken-craps that have taken this

1 country over that want to attack real Americans.

* 2 And those are just portions of the transcript
3 that the Court relied on. The Court has no doubt
4 that Alex Jones was accusing Plaintiffs' Counsel of
5 planting the child pornography.

6 Again, these are just a few examples where Jones
7 either directly harasses or intimidates Attorney
8 Mattei, repeatedly accuses Plaintiffs' Counsel of
9 requesting the metadata so they could plant the child
10 pornography, continues to call him a bitch, a sweet
11 little cupcake, a sack of filth, tells him to go to
12 hell, and the rant or tirade continues with frequent
13 declarations of war against Plaintiffs' Counsel.

14 I reject the Jones defendants' claim that Alex
15 Jones was enraged. I disagree with Attorney Pattis's
16 representation here. I find based upon a review of
17 the broadcast clips that it was an intentional,
18 calculated act of rage for his viewing audience. So
19 -- and I note as Plaintiffs' Counsel pointed out,
20 that Alex Jones was the one who publically brought
21 the existence of the child pornography to light on
22 his Infowars show.

23 But putting that aside, putting aside whether it
24 was -- he was in a real rage or whether he was acting
25 out rage, it doesn't really matter for the purposes
26 of the discussion whether he was truly enraged or
27 not, because the 20-minute deliberate tirade and

1 harassment and intimidation against Attorney Mattei
2 and his firm is unacceptable and sanctionable. And
3 the Court will sanction here.

4 So for all these reasons, the Court is denying
5 the Alex Jones defendants the opportunity to pursue
6 their special motions to dismiss and will award
7 attorney's fees upon further hearing and the filing
8 of affidavits regarding attorney's fees. I would
9 note that the attorney's fees will be related only to
10 the conduct relating to the child pornography issue
11 and not for the discovery failures.

12 At this point, I decline to default the Alex
13 Jones defendants, but I will -- I don't know how
14 clearly I can say this. As this case progresses, and
15 we will get today before you leave a trial date in
16 the case now and a scheduling order. As the
17 discovery in this case progresses, if there is
18 continued obfuscation and delay and tactics like I've
19 seen up to this point, I will not hesitate after a
20 hearing and an opportunity to be heard to default the
21 Alex Jones defendants if they from this point forward
22 continue with their behavior with respect to
23 discovery.

24 So I'm going to call other matters now. I'm
25 going to ask that you -- that there not be any
26 conversations in the courtroom because I do have
27 other matters to call. I'm going to ask Counsel to

1 work on a scheduling order, pick a trial date. I am
2 going to need to see it before you leave. So if you
3 could maybe do that in another room, and then I'll
4 come back on the record for that.

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6 *****

7 (END OF EXCERPT)

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16 THE HONORABLE BARBARA N. BELLIS, JUDGE
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C E R T I F I C A T I O N

I hereby certify the foregoing pages are a true and correct transcription of the audio recording of the above-referenced case, heard in Superior Court, Judicial District of Fairfield, at Bridgeport, Connecticut, before the Honorable Barbara N. Bellis, Judge, on the 18th day of June, 2019.

Dated this 18th day of June, 2019, in Bridgeport, Connecticut.



Colleen Birney
Court Recording Monitor